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COUNTY OF SANTA CLARA,
DEPARTMENT OF CORRECTION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZIANAB ISMAIL) Case No. C07-02752 RS
Plaintiff,)
) **JOINT CASE MANAGEMENT
STATEMENT**
)
) Date: January 16, 2008
v.) Time: 2:30 p.m.
COUNTY OF SANTA CLARA,) Crtrm: 4, 5th Floor
DEPARTMENT OF CORRECTION) Judge: Magistrate Judge Richard Seeborg
Defendant.)

Pursuant to this Court's Civil Local Rules ("Civ. L.R.") 16-3 and 16-9, the parties to the above-entitled matter jointly submit this Case Management Statement and proposed Order. Each party certifies that lead trial counsel who will try this case has met and conferred for the preparation of this Statement.

1. Jurisdiction and Service

There are no issues as to service of process, personal jurisdiction, subject matter jurisdiction or venue.

As of the filing of this statement, all named Defendants have been served. The County of Santa Clara has returned the Waiver of Service of Summons, acknowledging service of the complaint on behalf of the Defendant County of Santa Clara Department of Correction. The parties have been involved in settlement discussions. A settlement demand and a settlement

offer have been exchanged. The County is evaluating further settlement authority and anticipates concluding its internal settlement procedures on or before February 7, 2008.

2. Facts and Principal Factual Issues

Plaintiff was employed by the County as a Food Service Worker from October 2000 until September 7, 2004. In April, 2003, Plaintiff suffered a work related injury causing her to take a medical leave of absence. Plaintiff alleges that she could have returned to work and performed the essential functions of her position with accommodation. Plaintiff alleges that the County refused to provide a reasonable accommodation and failed to engage an interactive process to determine whether reasonable accommodation could be made.

3. Legal Issues

The principal legal issues which the parties dispute are as follows:

a. Was the County required to engage in an interactive process to determine whether reasonable accommodation could be made;

b. Whether the County was required to provide reasonable accommodation to Plaintiff.

4. Motions

If the matter does not resolve, it is anticipated that cross-motions for summary judgment might be filed following discovery.

5. Amendment to Pleadings

The parties do not presently intend to amend their pleadings.

6. Evidence Preservation

The parties have taken steps to preserve evidence relevant to the issues reasonably evident in the action.

7. Disclosures

There have not been any formal disclosures.

8. Discovery

The parties have not commenced discovery. It is anticipated that if the matter does not resolve after February, discovery can be completed in within 90 days.

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1 9. Class Actions

2 This is not a class action.

3 10. Related Cases

4 There are no related cases pending before this court, or before another court or
5 administrative body.

6 11. Relief

7 Plaintiff seeks lost wages in the amount of \$437.50 per week since April 22, 2003. This
8 amount totals more than \$91,000. Plaintiff also seeks interest, attorney fees and costs.

9 12. Settlement and ADR

10 Counsel for both parties have engaged in settlement talks which both parties are hopeful
11 will lead to resolution shortly. If the matter does not resolve promptly, both parties would agree
12 to private mediation.

13 13. Consent to Magistrate Judge for All Purposes

14 Both parties have consented to have a magistrate judge conduct all further proceedings.

15 14. Other References

16 This case is not suitable for reference to binding arbitration, a special master, or the
17 Judicial Panel on Multidistrict Litigation.

18 15. Narrowing of Issues

19 The parties are not presently in a position to determine what issues can be narrowed by
20 agreement or motion, or what may be done to expedite the presentation of evidence at trial.

21 16. Expedited Schedule

22 Both parties concur that this is a case that can be discovered and tried, if necessary, within
23 the calendar year of 2008. The parties would like to explore mediation if their informal
24 discussions do not result in settlement.

25 17. Scheduling

26 In addition to that which is set forth above respecting Discovery, the parties propose the
27 following:

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1 a. Defendants answer to the complaint no later than February 14, 2008.

2 b. Exchange of Initial Disclosures on or before March 3, 2008.

3 c. Discovery:

4 1. Non-Expert discovery completed by June 2, 2008.

5 2. Expert witness disclosure completed by July 7, 2008.

6 3. Expert witness discovery completed by August 11, 2008.

7 d. Mediation completion by September 1, 2008.

8 e. Requested Trial Date: October 20, 2008

9 f. Final Pretrial Conference Date:

10 The parties are agreeable to participating in a Final Pretrial Conference in early October
11 2008. Trial attorneys will attend that conference. The purpose of this conference will discuss
12 issues raised in the Final Pretrial Conference Statement and discuss trial of the case. In
13 September 2008, a specific date to be determined, the parties will file a Joint Pretrial
14 Conference Statement. In limine motions shall be filed on a specific date to be determined
15 which will occur between the date of the Joint Pretrial Conference Statement is due and the
16 Final Pretrial Conference.

17 g. Preliminary Pretrial Conference:

18 The parties are agreeable to participating in a Preliminary Pretrial Conference in June
19 2008. The purpose of that conference will be to confirm the trial date and establish a firm trial
20 schedule.

21 h. Further Case Management Conference:

22 The parties are agreeable to participate in a further Case Management Conference in May,
23 2008, to discuss, among other things, the status of ongoing discovery and the prospects for
24 settlement or resolution of this case.

25 i. Deadline for Hearing Pretrial Motions:

26 The final date for the court to hear dispositive motions shall be September 15, 2008. In
27 accordance with Civ. Local Rule 7-2, any motion that a party wishes to be heard on or before
28 the deadline, must file, serve and notice in writing no less than 35 days before the deadline.

18. Trial

2 The parties request a jury trial with an expected length of 5 days.

19. Disclosure of Non-Party Interested Entities or Persons

4 Plaintiff does not have knowledge of any parties or entities other than the County and
 5 Plaintiff who have either: (1) a financial interest in the subject matter in controversy or in a
 6 party to the proceeding; or (ii) any other kind of interest that could be substantially affected by
 7 the outcome of the proceeding.

8 20. Other Matters

9 The parties are amenable to discussing with one another, and with the Court, any other
 10 matters that may facilitate the just, speedy, and inexpensive disposition of this matter.

11 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
 12 "conformed" signature (/S/) within this e-filed document.

13 Dated: January 11, 2008

Respectfully submitted,

14 ANN MILLER RAVEL
 15 County Counsel

16 By: /S/
 17 JOHN L. WINCHESTER, III
 Lead Deputy County Counsel

18 Attorneys for Defendant
 19 COUNTY OF SANTA CLARA,
 DEPARTMENT OF CORRECTION

21 Dated: January 11, 2008

22 By: /S/
 23 CARYN N. FABIAN, ESQ.

24 Attorney for Plaintiff
 25 ZIANAB ISMAIL

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